

~~(4) perform such other functions as the Attorney General may delegate.~~

**Subtitle C—Access to Information
and Resources Needed To En-
sure That Children Are Not At-
tacked or Abused**

**SEC. 151. ACCESS TO NATIONAL CRIME INFORMATION
DATABASES.**

(a) *IN GENERAL.*—Notwithstanding any other provi-
sion of law, the Attorney General shall ensure access to the
national crime information databases (as defined in section
534 of title 28, United States Code) by—

(1) *the National Center for Missing and Ex-
ploited Children, to be used only within the scope of
the Center’s duties and responsibilities under Federal
law to assist or support law enforcement agencies in
administration of criminal justice functions; and*

(2) *governmental social service agencies with
child protection responsibilities, to be used by such
agencies only in investigating or responding to re-
ports of child abuse, neglect, or exploitation.*

(b) *CONDITIONS OF ACCESS.*—The access provided
under this section, and associated rules of dissemination,
shall be—

(1) *defined by the Attorney General; and*

(2) *limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.*

SEC. 152. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause

(I)—

(I) by inserting “, including fingerprint-based checks of national crime

1 *information databases (as defined in*
2 *section 534(e)(3)(A) of title 28, United*
3 *States Code),” after “criminal records*
4 *checks”; and*

5 *(II) by striking “on whose behalf*
6 *foster care maintenance payments or*
7 *adoption assistance payments are to be*
8 *made” and inserting “regardless of*
9 *whether foster care maintenance pay-*
10 *ments or adoption assistance payments*
11 *are to be made on behalf of the child”;*
12 *and*

13 *(ii) in each of clauses (i) and (ii), by*
14 *inserting “involving a child on whose behalf*
15 *such payments are to be so made” after “in*
16 *any case”; and*

17 *(B) by adding at the end the following:*

18 *“(C) provides that the State shall—*

19 *“(i) check any child abuse and neglect reg-*
20 *istry maintained by the State for information on*
21 *any prospective foster or adoptive parent and on*
22 *any other adult living in the home of such a pro-*
23 *spective parent, and request any other State in*
24 *which any such prospective parent or other adult*
25 *has resided in the preceding 5 years, to enable*

1 *the State to check any child abuse and neglect*
 2 *registry maintained by such other State for such*
 3 *information, before the prospective foster or*
 4 *adoptive parent may be finally approved for*
 5 *placement of a child, regardless of whether foster*
 6 *care maintenance payments or adoption assist-*
 7 *ance payments are to be made on behalf of the*
 8 *child under the State plan under this part;*

9 *“(ii) comply with any request described in*
 10 *clause (i) that is received from another State;*
 11 *and*

12 *“(iii) have in place safeguards to prevent*
 13 *the unauthorized disclosure of information in*
 14 *any child abuse and neglect registry maintained*
 15 *by the State, and to prevent any such informa-*
 16 *tion obtained pursuant to this subparagraph*
 17 *from being used for a purpose other than the*
 18 *conducting of background checks in foster or*
 19 *adoptive placement cases;”.*

20 (2) *SUSPENSION OF OPT-OUT.—Section*
 21 *471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B))*
 22 *is amended—*

23 (A) *by inserting “, on or before September*
 24 *30, 2005,” after “plan if”; and*

1 (B) by inserting “, on or before such date,”
 2 after “or if”.

3 (b) *ELIMINATION OF OPT-OUT.*—Section 471(a)(20) of
 4 such Act (42 U.S.C. 671(a)(20)), as amended by subsection
 5 (a) of this section, is amended—

6 (1) in subparagraph (A), in the matter preceding
 7 clause (i), by striking “unless an election provided for
 8 in subparagraph (B) is made with respect to the
 9 State,”; and

10 (2) by striking subparagraph (B) and redesign-
 11 ating subparagraph (C) as subparagraph (B).

12 (c) *EFFECTIVE DATE.*—

13 (1) *GENERAL.*—The amendments made by sub-
 14 section (a) shall take effect on October 1, 2006, and
 15 shall apply with respect to payments under part E of
 16 title IV of the Social Security Act for calendar quar-
 17 ters beginning on or after such date, without regard
 18 to whether regulations to implement the amendments
 19 are promulgated by such date.

20 (2) *ELIMINATION OF OPT-OUT.*—The amend-
 21 ments made by subsection (b) shall take effect on Oc-
 22 tober 1, 2008, and shall apply with respect to pay-
 23 ments under part E of title IV of the Social Security
 24 Act for calendar quarters beginning on or after such

1 *date, without regard to whether regulations to imple-*
 2 *ment the amendments are promulgated by such date.*

3 (3) *DELAY PERMITTED IF STATE LEGISLATION*
 4 *REQUIRED.—If the Secretary of Health and Human*
 5 *Services determines that State legislation (other than*
 6 *legislation appropriating funds) is required in order*
 7 *for a State plan under section 471 of the Social Secu-*
 8 *rity Act to meet the additional requirements imposed*
 9 *by the amendments made by a subsection of this sec-*
 10 *tion, the plan shall not be regarded as failing to meet*
 11 *any of the additional requirements before the first day*
 12 *of the first calendar quarter beginning after the first*
 13 *regular session of the State legislature that begins*
 14 *after the otherwise applicable effective date of the*
 15 *amendments. If the State has a 2-year legislative ses-*
 16 *sion, each year of the session is deemed to be a sepa-*
 17 *rate regular session of the State legislature.*

18 **SEC. 153. SCHOOLS SAFE ACT.**

19 (a) *SHORT TITLE.—This section may be cited as the*
 20 *“Schools Safely Acquiring Faculty Excellence Act of 2006”.*

21 (b) *IN GENERAL.—The Attorney General of the United*
 22 *States shall, upon request of the chief executive officer of*
 23 *a State, conduct fingerprint-based checks of the national*
 24 *crime information databases (as defined in section*

1 534(f)(3)(A) of title 28, United States Code as redesignated
2 under subsection (e)) pursuant to a request submitted by—

3 (1) a child welfare agency for the purpose of—

4 (A) conducting a background check required
5 under section 471(a)(20) of the Social Security
6 Act on individuals under consideration as pro-
7 spective foster or adoptive parents; or

8 (B) an investigation relating to an incident
9 of abuse or neglect of a minor; or

10 (2) a private or public elementary school, a pri-
11 vate or public secondary school, a local educational
12 agency, or State educational agency in that State, on
13 individuals employed by, under consideration for em-
14 ployment by, or otherwise in a position in which the
15 individual would work with or around children in the
16 school or agency.

17 (c) *FINGERPRINT-BASED CHECK*.—Where possible, the
18 check shall include a fingerprint-based check of State crimi-
19 nal history databases.

20 (d) *FEES*.—The Attorney General and the States may
21 charge any applicable fees for the checks.

22 (e) *PROTECTION OF INFORMATION*.—An individual
23 having information derived as a result of a check under
24 subsection (b) may release that information only to appro-
25 priate officers of child welfare agencies, public or private

1 *elementary or secondary schools, or educational agencies or*
 2 *other persons authorized by law to receive that information.*

3 (f) *CRIMINAL PENALTIES.—An individual who know-*
 4 *ingly exceeds the authority in subsection (b), or knowingly*
 5 *releases information in violation of subsection (e), shall be*
 6 *imprisoned not more than 10 years or fined under title 18,*
 7 *United States Code, or both.*

8 (g) *CHILD WELFARE AGENCY DEFINED.—In this sec-*
 9 *tion, the term “child welfare agency” means—*

10 (1) *the State or local agency responsible for ad-*
 11 *ministering the plan under part B or part E of title*
 12 *IV of the Social Security Act; and*

13 (2) *any other public agency, or any other private*
 14 *agency under contract with the State or local agency*
 15 *responsible for administering the plan under part B*
 16 *or part E of title IV of the Social Security Act, that*
 17 *is responsible for the licensing or approval of foster*
 18 *or adoptive parents.*

19 (h) *DEFINITION OF EDUCATION TERMS.—In this sec-*
 20 *tion, the terms “elementary school”, “local educational*
 21 *agency”, “secondary school”, and “State educational agen-*
 22 *cy” have the meanings given to those terms in section 9101*
 23 *of the Elementary and Secondary Education Act of 1965*
 24 *(20 U.S.C. 7801).*

1 (i) *TECHNICAL CORRECTION.*—Section 534 of title 28,
 2 United States Code, is amended by redesignating the second
 3 subsection (e) as subsection (f).

4 ~~**SEC. 154. MISSING CHILD REPORTING REQUIREMENTS.**~~

5 ~~(a) *IN GENERAL.*—Section 3702 of the Crime Control~~
 6 ~~Act of 1990 (42 U.S.C. 5780) is amended—~~

7 ~~(1) by redesignating paragraphs (2) and (3) as~~
 8 ~~paragraphs (3) and (4), respectively;~~

9 ~~(2) by inserting after paragraph (1) the fol-~~
 10 ~~lowing:~~

11 ~~“(2) ensure that no law enforcement agency~~
 12 ~~within the State establishes or maintains any policy~~
 13 ~~that requires the removal of a missing person entry~~
 14 ~~from its State law enforcement system or the National~~
 15 ~~Crime Information Center computer database based~~
 16 ~~solely on the age of the person, and”, and~~

17 ~~(3) in paragraph (3), as redesignated, by strik-~~
 18 ~~ing “immediately” and inserting “within 2 hours of~~
 19 ~~receipt”.~~

20 ~~(b) *DEFINITIONS.*—Section 403(1) of the Comprehen-~~
 21 ~~sive Crime Control Act of 1984 (42 U.S.C. 5772) is amend-~~
 22 ~~ed by striking “if” through subparagraph (B) and inserting~~
 23 ~~a semicolon.~~

~~1 (1) \$3,000,000 for fiscal year 2007;~~

~~2 (2) \$5,000,000 for fiscal year 2008; and~~

~~3 (3) \$8,000,000 for fiscal year 2009.~~

~~4 (d) OTHER EXISTING APPLICABLE LAW. Nothing in~~
~~5 this section shall be construed to limit any existing author-~~
~~6 ity under any other provision of Federal or State law for~~
~~7 law enforcement agencies to locate or apprehend fugitives~~
~~8 through task forces or any other means.~~

9 SEC. 633. NATIONAL REGISTRY OF SUBSTANTIATED CASES
10 OF CHILD ABUSE.

11 (a) *IN GENERAL.*—The Secretary of Health and
 12 Human Services, in consultation with the Attorney Gen-
 13 eral, shall create a national registry of substantiated cases
 14 of child abuse or neglect.

15 (b) *INFORMATION.*—

16 (1) *COLLECTION.*—The information in the reg-
 17 istry described in subsection (a) shall be supplied by
 18 States and Indian tribes, or, at the option of a State,
 19 by political subdivisions of such State, to the Sec-
 20 retary of Health and Human Services.

21 (2) *TYPE OF INFORMATION.*—The registry de-
 22 scribed in subsection (a) shall collect in a central elec-
 23 tronic registry information on persons reported to a
 24 State, Indian tribe, or political subdivision of a State

1 *as perpetrators of a substantiated case of child abuse*
2 *or neglect.*

3 *(c) SCOPE OF INFORMATION.—*

4 *(1) IN GENERAL.—*

5 *(A) TREATMENT OF REPORTS.—The infor-*
6 *mation to be provided to the Secretary of Health*
7 *and Human Services under this section shall re-*
8 *late to substantiated reports of child abuse or ne-*
9 *glect.*

10 *(B) EXCEPTION.—If a State, Indian tribe,*
11 *or political subdivision of a State has an elec-*
12 *tronic register of cases of child abuse or neglect*
13 *equivalent to the registry established under this*
14 *section that it maintains pursuant to a require-*
15 *ment or authorization under any other provision*
16 *of law, the information provided to the Secretary*
17 *of Health and Human Services under this sec-*
18 *tion shall be coextensive with that in such reg-*
19 *ister.*

20 *(2) FORM.—Information provided to the Sec-*
21 *retary of Health and Human Services under this*
22 *section—*

23 *(A) shall be in a standardized electronic*
24 *form determined by the Secretary of Health and*
25 *Human Services; and*

1 (B) shall contain case-specific identifying
 2 information that is limited to the name of the
 3 perpetrator and the nature of the substantiated
 4 case of child abuse or neglect, and that complies
 5 with clauses (viii) and (ix) of section
 6 106(b)(2)(A) of the Child Abuse Prevention and
 7 Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii)
 8 and (ix)).

9 (d) CONSTRUCTION.—This section shall not be con-
 10 strued to require a State, Indian tribe, or political subdivi-
 11 sion of a State to modify—

12 (1) an equivalent register of cases of child abuse
 13 or neglect that it maintains pursuant to a require-
 14 ment or authorization under any other provision of
 15 law; or

16 (2) any other record relating to child abuse or
 17 neglect, regardless of whether the report of abuse or
 18 neglect was substantiated, unsubstantiated, or deter-
 19 mined to be unfounded.

20 (e) ACCESSIBILITY.—Information contained in the na-
 21 tional registry shall only be accessible to any Federal, State,
 22 Indian tribe, or local government entity, or any agent of
 23 such entities, that has a need for such information in order
 24 to carry out its responsibilities under law to protect chil-
 25 dren from child abuse and neglect.

1 (f) *DISSEMINATION.*—*The Secretary of Health and*
 2 *Human Services shall establish standards for the dissemi-*
 3 *nation of information in the national registry of substan-*
 4 *tiated cases of child abuse or neglect. Such standards shall*
 5 *comply with clauses (viii) and (ix) of section 106(b)(2)(A)*
 6 *of the Child Abuse Prevention and Treatment Act (42*
 7 *U.S.C. 5106(b)(2)(A) (viii) and (ix)).*

8 (g) *STUDY.*—

9 (1) *IN GENERAL.*—*The Secretary of Health and*
 10 *Human Services shall conduct a study on the feasi-*
 11 *bility of establishing data collection standards for a*
 12 *national child abuse and neglect registry with rec-*
 13 *ommendations and findings concerning—*

14 (A) *costs and benefits of such data collection*
 15 *standards;*

16 (B) *data collection standards currently em-*
 17 *ployed by each State, Indian tribe, or political*
 18 *subdivision of a State;*

19 (C) *data collection standards that should be*
 20 *considered to establish a model of promising*
 21 *practices; and*

22 (D) *a due process procedure for a national*
 23 *registry*

24 (2) *REPORT.*—*Not later than 1 year after the*
 25 *date of enactment of this Act, the Secretary of Home-*

land Security shall submit to the Committees on the Judiciary in the House of Representatives and the United States Senate and the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and the Workforce a report containing the recommendations and findings of the study on data collection standards for a national child abuse registry authorized under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated \$500,000 for the period of fiscal years 2006 and 2007 to carry out the study required by this subsection.

~~SEC. 634. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.~~

~~(a) IN GENERAL. The National Institute of Justice shall conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on—~~

~~(1) the effectiveness of the Sex Offender Registration and Notification Act in increasing compliance with sex offender registration and notification requirements, and the costs and burdens associated with such compliance,~~